

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT: PAMELA CARRERO, an individual,
(AVISO AL DEMANDADO):**

**YOU ARE BEING SUED BY PLAINTIFF: PEOPLE OF THE STATE OF
(LO ESTÁ DEMANDANDO EL DEMANDANTE): CALIFORNIA, by and
through Dennis J. Herrera, City Attorney for the City and County of
San Francisco.**

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, California 94102-4515

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Holly D. Coulehan

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Office of the City Attorney

Fox Plaza, 1390 Market Street, Seventh Floor, San Francisco, CA 94102

DATE:

(Fecha) **SEP 24 2020**

CLERK OF THE COURT
(Secretario)

CASE NUMBER:
(Número del Caso):

CGC-20-586736

(415) 554-3800

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☒ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. ☐ by personal delivery on (date):

DENNIS J. HERRERA, City Attorney
PETER J. KEITH, State Bar #206482
Chief Attorney, Neighborhood & Resident Safety Division
MEREDITH B. OSBORN, State Bar #250467
Chief Trial Deputy
MICHAEL S. WEISS, State Bar #168378
HOLLY D. COULEHAN, State Bar #244682
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Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

PEOPLE OF THE STATE OF CALIFORNIA,
by and through Dennis J. Herrera, City
Attorney for the City and County of San
Francisco,

Plaintiff,

vs.

PAMELA CARRERO, an individual,

Defendant.

Case No.

**COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES**

Type of Case: (42) Other Complaint

CGC-20-586736

FILED
San Francisco County Superior Court

SEP 24 2020

CLERK OF THE COURT
BY: Shalene Polaris
Deputy Clerk

The PEOPLE OF THE STATE OF CALIFORNIA, by and through Dennis J. Herrera, City
Attorney for the City and County of San Francisco, allege as follows:

INTRODUCTION

1. Defendant PAMELA CARRERO (DEFENDANT) is creating a public nuisance in the
Tenderloin neighborhood of the City and County of San Francisco, by her participation in the illegal
sale of controlled substances. The Tenderloin is a diverse neighborhood located in the very heart of
San Francisco. The Tenderloin is home to families, children, seniors, singles, people with disabilities,

1 and recent immigrants, comprising all gender identities and sexual orientations, many ethnicities, and
2 speaking many languages. There are elementary and middle schools, pre-schools, daycares, and
3 agencies helping people who are trying to recover from drug addiction. But the Tenderloin
4 neighborhood is plagued by drug dealers including DEFENDANT, who come to the Tenderloin to
5 illegally sell heroin, fentanyl, cocaine, methamphetamine, and other controlled substances.
6 DEFENDANT is one of many creating an open-air drug market that harms Tenderloin residents and
7 other San Franciscans who live, visit, and work there. This must stop. The PEOPLE OF THE STATE
8 OF CALIFORNIA are seeking multiple injunctions against individuals who, like DEFENDANT, are
9 openly selling narcotics in the Tenderloin. This Court should order DEFENDANT to stay away from
10 the Tenderloin and help protect this community and make it a safe and healthy place to live for all its
11 residents.

12 **PARTIES**

13 2. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA, by and through Dennis J.
14 Herrera, City Attorney for the City and County of San Francisco (PLAINTIFF or PEOPLE), brings
15 this action pursuant to California Business and Professions Code sections 17200 and 17204, California
16 Civil Code section 3494, and California Code of Civil Procedure section 731.

17 3. Defendant PAMELA CARRERO (DEFENDANT) is an individual who, on
18 information and belief, resides in Oakland, California.

19 **VENUE**

20 4. Venue is proper in this Court under Code of Civil Procedure section 392(a) and Code of
21 Civil Procedure section 393(a), and each of them.

22 **THE TENDERLOIN NEIGHBORHOOD**

23 5. The Tenderloin neighborhood is located in the center of San Francisco, and is one of
24 the oldest parts of the City. It abuts the city, state, and federal buildings that comprise the Civic
25 Center. It is also one of the most densely populated areas of the City, with approximately 28,200
26 people living within its 50 square blocks.¹ Almost half of the population is foreign born and nearly a
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28 ¹ San Francisco Planning, San Francisco Neighborhoods Socio-Economic Profiles, American
Community Survey 2012-2016 (2018), at p. 78.

1 quarter of households are linguistically isolated, meaning that all household members aged 14 years
2 and older speak a non-English language and speak English less than “very well.”² The neighborhood is
3 also more diverse than the City as a whole, with its residents being 31 percent Asian, 10 percent
4 African American, 43 percent White, 1 percent Native American, 23 percent Latino, and 15 percent
5 mixed race.³ At 30 percent, the Tenderloin’s poverty rate is almost three times higher than the City’s
6 as a whole.⁴

7 6. Official census data reports 2,256 children live in the Tenderloin.⁵ The density of
8 children in the Tenderloin is about three times higher than the rest of the City.⁶

9 7. The Tenderloin is also home to institutions that serve vulnerable populations. There is a
10 large public elementary school, where the vast majority of young students qualify for free or reduced
11 price lunch and the majority of whom are English language learners, a small private elementary school
12 offering sliding scale tuition, and a Catholic middle school that charges no tuition to many local
13 students. The Tenderloin also hosts numerous childcare, daycare, and afterschool programs. San
14 Francisco’s Department of Public Health Primary Care sites in the Tenderloin include the Larkin
15 Street Youth Center Clinic, Curry Senior Center, Tom Waddell Urban Health Clinic, and Medical
16 Respite & Sobering Center.⁷ The Tenderloin is also home to numerous housing and shelter services,
17 including transitional housing facilities for individuals reentering society from the criminal justice
18 system, many of whom are battling drug addiction.

21 <https://default.sfplanning.org/publications_reports/SF_NGBD_SocioEconomic_Profiles/2012-2016_ACS_Profile_Neighborhoods_Final.pdf>

22 ² *Ibid.*

23 ³ *Ibid.*

24 ⁴ *Id.* at pp. 5, 79.

25 ⁵ The Bay Area Women’s and Children’s Center, Survey of Tenderloin Family and Children’s
Issues (2016), at p. 1

<https://www.bawcc.org/pdf/Survey_of_TL_Family_and_Children's_Issues_2016.pdf>.

26 ⁶ Central Market/Tenderloin Data Portal, Age <<https://cmtldata.org/data/age>>.

27 ⁷ San Francisco Department of Public Health, San Francisco’s Tenderloin Neighborhood:
Neighborhood Conditions and Health Status (September 6, 2016), at p. 16

28 <<https://www.sfdph.org/dph/hc/HCAgen/HCAgen2016/September%206/DPHPREZ.pdf>>.

8. The Tenderloin has many inexpensive restaurants, corner stores, and other small businesses, many of which are owned and operated by immigrants who are struggling to attract customers, pay for insurance, and stay afloat.

**THE ILLEGAL SALE OF CONTROLLED SUBSTANCES IS A PUBLIC NUISANCE IN THE
TENDERLOIN**

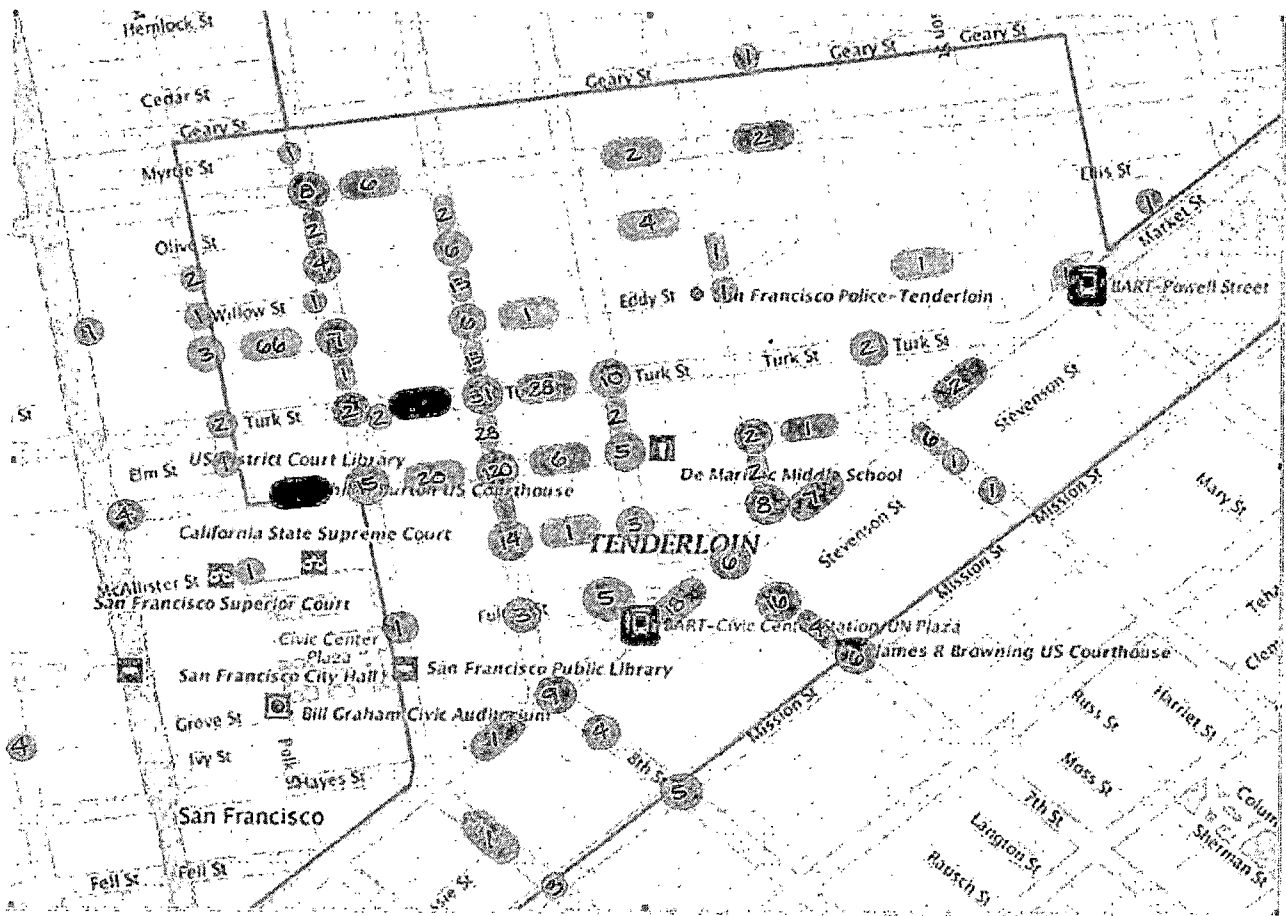
9. The Tenderloin is the epicenter of illegal drug sales in the City. Open-air drug dealing has been a pervasive and ubiquitous feature of the neighborhood for years, but the situation has worsened in recent years and months. Much like the COVID-19 pandemic, the lack of an effective response has led to an exponential increase in the amount and impact of drug dealing on the neighborhood. In fiscal year 2017-2018, more than half of the 883 individuals arrested or cited by the San Francisco Police Department (SFPD) for drug sales in the City were arrested or cited in the Tenderloin.⁸ The most common drugs sold are cocaine base/rock, heroin, and methamphetamine.⁹

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⁸ Budget and Legislative Analyst's Office, City and County of San Francisco Board of Supervisors, Policy Analysis Report: Policing and Criminal Justice Costs Related to Open Air Drug Dealing in the Tenderloin, South of Market, and Mid-Market Neighborhoods (April 25, 2019), at p. 1 <<https://sfgov.legistar.com/View.ashx?M=F&ID=7193997&GUID=DD89A486-5C05-4D7A-A489-EE50A9C6DB33>>.

⁹ *Id.* at p. 2.

10. From June 1, 2019 through June 19, 2020, over 580 arrests were made in the Tenderloin area for drug sales and for possession of drugs for the purpose of sales. These arrests were primarily for dealing fentanyl, heroin, cocaine, and methamphetamine. The map below displays the number of arrests at each location during that period.



Between June 20, 2020 and September 13, 2020, there were more than 150 new arrests in the Tenderloin area for sales or possession for sales of narcotics.

11. Some street level drug dealers sell to pedestrians or people in vehicles directly, some by use of hooks (people who signal to attract customers), lookouts, and holders. "Holders," in particular, are important players in the Tenderloin drug market. Drug sellers often use holders to store the bulk of their product while they conduct individual sales. Sellers do this to minimize the quantity of narcotics in their possession, to avoid the more severe charges and the longer sentences that would follow from

1 their arrest, and to minimize the chances that a buyer will rip them off. Many holders possess a
2 significant quantity and large variety of drugs. Sometimes, a seller will pay the holder in drugs.

3 12. Drug dealers congregate on the corners of Tenderloin streets, forcing residents to
4 navigate a gantlet of drug transactions as they walk to work, school, or to essential services like
5 grocery stores and health care providers. Tenderloin residents are also subject to other physical signs
6 of narcotics activity, like narcotics waste including used crack pipes, burnt pipe mesh, dirty syringes
7 and used narcotics in various forms. Additionally, Tenderloin residents are endangered by the
8 increased violence involved in narcotics disputes between dealers and buyers as well other criminal
9 and erratic conduct of the addicted. One of the most important initiatives to assist Tenderloin children
10 has been the creation of "Safe Passage" a volunteer-led program that helps shield young students from
11 the violence and ravages of the open-air drug market as they navigate their route to and from school
12 and other activities.

13 13. Narcotics transactions contribute to the harmful health consequences throughout the
14 area. Trash, litter and debris thrown in the streets of the Tenderloin have been a source and
15 proliferation of disease in this area. This year to date, District 6, which includes the Tenderloin, has the
16 highest number of complaints lodged with San Francisco's customer service hotline 311. In the past
17 year, San Francisco's 311 hotline has received 3,393 complaints in the Tenderloin for "human waste
18 or urine," nine complaints about "20 or more needles" and 567 complaints for less than 20 needles.
19 Representative complaints include: "URGENT needles and debris IFO school entrance," "[t]here are
20 needles all over. . . . There is at least one needle that is exposed and children are in[]the area." ;
21 "Needles all up and down Jones seen kids walking thru them." Discarded drug paraphernalia
22 contribute to this unsanitary environment and blight as they are ever-present on the streets and
23 sidewalks where business owners, school children, and community members encounter them on a
24 daily basis.

25 14. With drugs available in abundance, block after block, public drug use is common. At all
26 hours of the day and night, narcotics users can be seen injecting narcotics and other drugs on the
27 public streets, sidewalks, in and around alcoves and entry ways of businesses and restaurants. Blatant
28

1 and open-air drug sales are common. Drug dealers are open for business on public streets and
2 sidewalks at all hours of the day and night.

3 15. Given the concentration of drug sales in the Tenderloin, it is unsurprising that drug
4 overdoses are also a common occurrence in the neighborhood. Between 2011 and 2015, drug overdose
5 was the leading cause of death in the Tenderloin.¹⁰ By comparison, heart disease was the leading cause
6 of death in the City as a whole, and drug overdoses did not even fall within the top five leading causes
7 of death for residents outside the Tenderloin.¹¹ Since 2015, drug overdoses have only been increasing.
8 In 2017, the Department of Public Health reported that approximately one third of all overdose deaths
9 in San Francisco occurred in the Tenderloin and South of Market neighborhoods.¹² In 2019, 441
10 people died from drug overdoses in San Francisco—a rate of more than one per day. There were 239
11 deaths from fentanyl overdose alone in San Francisco last year. This was more than double the number
12 of fentanyl overdose deaths in 2018. The Tenderloin has the highest overdose mortality rate of any
13 neighborhood in the City.¹³ In January 2020, the San Francisco Board of Supervisors unanimously
14 passed a resolution declaring drug overdose deaths a public health crisis.¹⁴ In that resolution, which
15 called for a public health plan, the Board requested a plan for “stopping the flow of deadly drugs into
16 San Francisco.”¹⁵

17 16. The high concentration of drug sales in the Tenderloin contributes to the high rate of
18 other crimes in the neighborhood. Historically, overall crime rates in the Tenderloin are about three
19 times higher than in the city overall on a per capita basis.¹⁶ In 2020, there have been 2 homicides, 7
20 rapes, 179 robberies, 174 assaults, 1 human trafficking sex act, 142 burglaries, 85 motor vehicle thefts,
21

22 ¹⁰ San Francisco Department of Public Health, San Francisco’s Tenderloin Neighborhood:
23 Neighborhood Conditions and Health Status (September 6, 2016), at p. 10
<<https://www.sfdph.org/dph/hc/HCAgen/HCAgen2016/September%206/DPHPREZ.pdf>>.

24 ¹¹ *Ibid.*

25 ¹² <<https://www.sfdph.org/dph/files/SIStaskforce/IssueBrief-06202017.pdf>>.

26 ¹³ San Francisco Department of Public Health, Substance Abuse Trends in San Francisco
through 2019 (August 31, 2019), at p. 8.

27 ¹⁴ S.F. Board of Supervisors Resolution 2-20.

28 ¹⁵ *Id.* at 3:17.

¹⁶ Central Market/Tenderloin Data Portal, Crime <<https://cmtldata.org/data/crime>>.

1 6 arsons, and 527 larceny thefts.¹⁷ These crime rates leave Tenderloin residents and workers feeling
2 less safe. In 2019, the Tenderloin had the second-lowest safety ratings in City, with only 37.8 percent
3 of residents feeling safe or very safe at night.¹⁸

4 17. As a result of DEFENDANT's illegal drug sales in the Tenderloin Drug Abatement
5 Area as alleged herein, the community, businesses, and residents living, studying, playing, growing,
6 and working in and around the Tenderloin Drug Abatement Area have suffered and continue to suffer
7 from fear, intimidation, and lack of free use of property and quiet enjoyment of life in and around the
8 Tenderloin Drug Abatement Area.

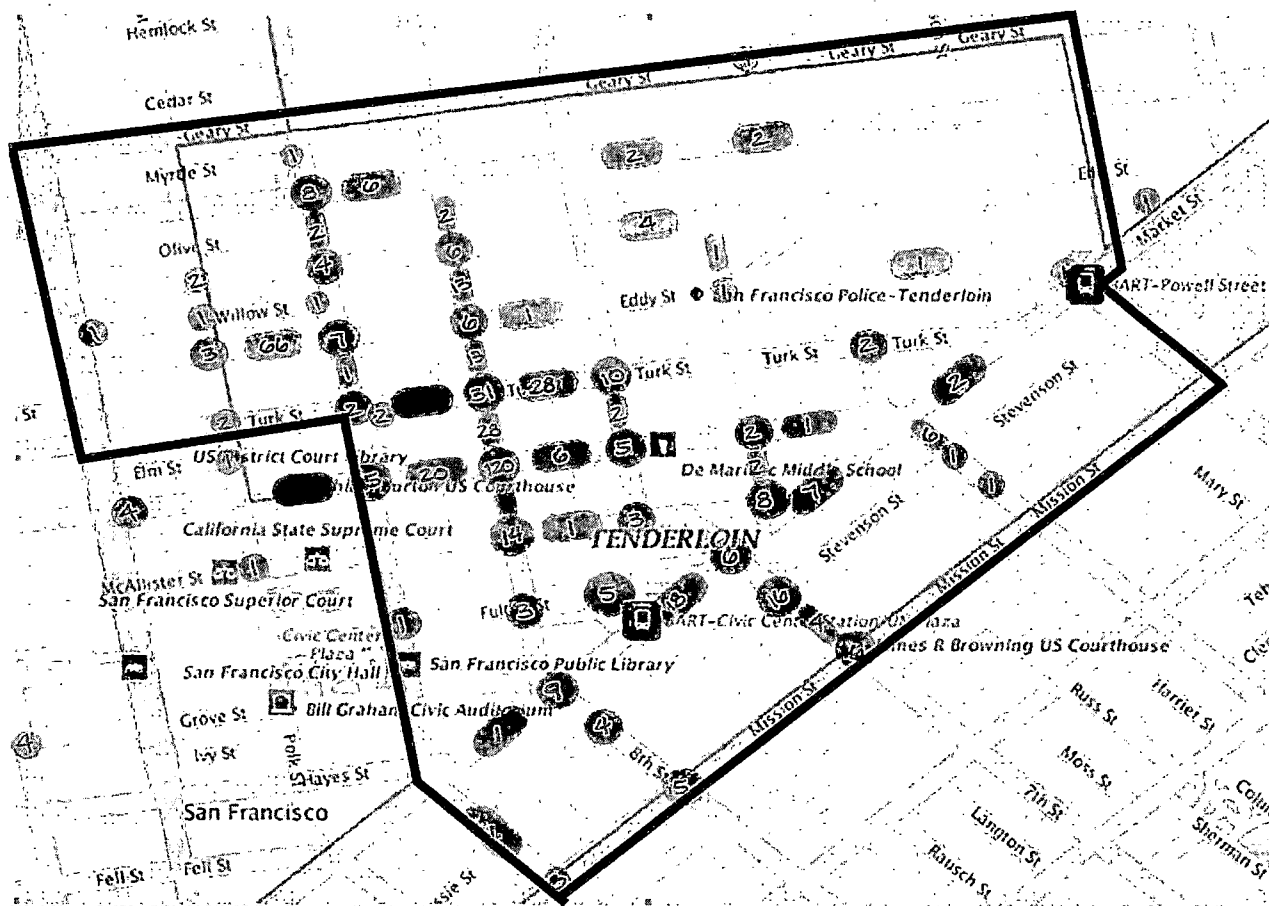
9 //

26 ¹⁷ San Francisco Police Department, Crime Data, Tenderloin District (January 1, 2020-June 14,
27 2020). <<https://www.sanfranciscopolice.org/stay-safe/crime-data/crime-dashboard>>.

28 ¹⁸ City Performance Unit, Office of the Controller, 2019 City Survey Safety
<<https://sfgov.org/citysurvey/safety>>.

AREA TO BE SUBJECT TO INJUNCTION: THE TENDERLOIN DRUG ABATEMENT AREA

18. The proposed borders of the Tenderloin Drug Abatement Area are as follows: on the west, 9th Street from Mission Street north to Market Street, then Larkin Street from Market Street north to Turk Street, then Turk Street from Polk Street west to Van Ness Avenue, then Van Ness Avenue from Turk Street north to Geary Street; on the north, Geary Street from Van Ness Avenue east to Powell Street; on the east, Powell Street from Geary Street south to Market Street, then Market Street from Powell Street southwest to Fifth Street, then Fifth Street from Market Street south to Mission Street; on the south, Mission Street from Fifth Street to Ninth Street. The proposed Tenderloin Drug Abatement Area includes the sidewalk on each of these boundary streets and 25 yards extending therefrom (except the western sidewalk of Polk Street south of Turk Street is not included).



Red= Proposed Area
Blue=Tenderloin Police District

**DEFENDANT'S ROLE IN THE ONGOING PUBLIC NUISANCE IN THE TENDERLOIN
DRUG ABATEMENT AREA**

19. DEFENDANT PAMELA CARRERO was born in 2000 and resides in Oakland, California. However, DEFENDANT comes to the Tenderloin for the purpose of engaging in the illegal sale of controlled substances. DEFENDANT is engaged in this conduct in the Tenderloin Drug Abatement Area, which is causing an ongoing public nuisance and ongoing violations of the Unfair Competition Law.

20. On August 31, 2019, DEFENDANT conducted two hand-to-hand sales of narcotics within an hour – one at the intersection of 7th and Market Streets, and the other at 7th and Stevenson Streets – both within San Francisco's Tenderloin Drug Abatement Area. DEFENDANT was arrested and searched by SFPD. During a search of DEFENDANT, officers discovered she was in possession of the following drugs for the purpose of sale: 27 bindles of fentanyl (3.5 grams); loose rocks of cocaine base (20.3 grams); 37 bindles and 2 baggies of heroin (7.3 grams); and 9 bindles of methamphetamine (6.8 grams). DEFENDANT also possessed \$216 in mixed denominations of U.S. currency. The San Francisco District Attorney's Office charged DEFENDANT with felony violations Health & Safety Code sections 11351.5 (possession with intent to sell a controlled substance), 11378 (possession with intent to sell a controlled substance), and two counts of 11351 (possession with intent to sell a controlled substance). In criminal court case no. 19013734, currently pending as of the date of filing this Complaint, DEFENDANT was ordered to stay at least 150 yards away from the intersection of 7th & Stevenson Streets.

21. On March 8, 2020, at Golden Gate Avenue and Hyde Street in San Francisco's Tenderloin Drug Abatement Area, DEFENDANT conspired to complete a hand-to-hand sale of narcotics. DEFENDANT received money from the narcotics buyer. DEFENDANT then motioned to another individual (Mario Cruz-Calix, hereafter referred to as "Cruz-Calix") who approached DEFENDANT. DEFENDANT then handed Cruz-Calix the money previously tendered to her by the buyer. The buyer was escorted by Cruz-Calix to a third person, the holder (Shauna Henry, hereafter referred to as "Henry"). Cruz-Calix obtained two bindles of suspected narcotics from Henry and then gave them to the buyer, thus completing the narcotics transaction. The narcotics buyer was detained

1 and searched by SFPD. The buyer was found to be in possession of one bindle of cocaine base and one
2 bindle of cocaine salt. The buyer informed the officers that he attempted to purchase the narcotics
3 from DEFENDANT who then waved over Cruz-Calix who completed the sale. DEFENDANT was
4 seen throwing down a bindle of cocaine base (0.1 grams) just prior to her arrest by SFPD. Cruz-Calix
5 was also arrested and searched. Cruz-Calix was found to be in possession of \$710 in U.S. currency.
6 Henry was also arrested and searched. During the search of Henry, officers recovered a crack pipe and
7 the following drugs for the purpose of sale: 45 bindles of heroin (25.4 grams); 9 bindles of cocaine salt
8 (1.9 grams); 48 bindles of cocaine base (15.3 grams); 44 bindles of fentanyl (18.3 grams); and 20
9 bindles of methamphetamine (21.1 grams). DEFENDANT was arrested and searched by SFPD.
10 DEFENDANT was found to be in possession of \$224 in mixed denominations of U.S. currency, held
11 in multiple pockets. The San Francisco District Attorney's Office charged DEFENDANT with felony
12 violations of Health & Safety Code sections 11351.5 and 11352 (sale of a controlled substance). In
13 criminal court case no. 20003577, currently pending as of the date of filing this Complaint,
14 DEFENDANT was ordered to stay at least 50 yards away from 125 Hyde Street, except for
15 Community Justice Court.

16 22. DEFENDANT's conduct is unlawful under the following statutes, among others: Penal
17 Code section 12022.1 (felony committed while released on bail or recognizance); and Health & Safety
18 Code sections 11351 (possession with intent to sell a controlled substance), 11351.5 (possession with
19 intent to sell a controlled substance), 11352(d) (aiding and abetting in the commission of the sale of a
20 controlled substance), and 11378 (possession with intent to sell a controlled substance).

21 **FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE**

22 23. The PEOPLE incorporate by reference all of the preceding paragraphs of the
23 Complaint.

24 24. DEFENDANT's nuisance conduct, including the illegal sale of controlled substances,
25 has created conditions in the Tenderloin Drug Abatement Zone which are injurious to health, indecent
26 or offensive to the senses, obstruct the free use of property, interfere with the comfortable enjoyment
27 of life or property, and/or unlawfully obstruct the free passage or use of public parks, streets,
28 sidewalks and highways, in violation of Civil Code section 3479. DEFENDANT's conduct amounts to

1 a public nuisance in that it affects at the same time an entire community or neighborhood, and a
2 considerable number of persons, within the meaning of Civil Code section 3480.

3 25. DEFENDANT knew or should have known that DEFENDANT's conduct was creating
4 a public nuisance in the Tenderloin Drug Abatement Area, as alleged in the Complaint, but failed to
5 take reasonable steps to abate the public nuisance.

6 26. DEFENDANT has engaged in, and will continue to engage in, the illegal sale of
7 controlled substances and other nuisance activity in the Tenderloin Drug Abatement Area.

8 27. The PEOPLE have no adequate remedy at law, in that damages are insufficient to
9 protect the public from the present danger and harm caused by the DEFENDANT's conduct. Unless
10 injunctive relief is granted to enjoin DEFENDANT, the public will suffer irreparable harm.

11 28. Unless DEFENDANT's public nuisance conduct is abated, the community, the
12 neighborhood, and the residents of San Francisco will suffer irreparable injury and damage, in that
13 said conditions will continue to be injurious to their enjoyment of life and free use of property and
14 public space.

15 29. Unless enjoined, DEFENDANT will continue to cause a public nuisance in the
16 Tenderloin Drug Abatement Area.

17 30. DEFENDANT should be ordered to stay away from the Tenderloin Drug Abatement
18 Area at all times.

19 **SECOND CAUSE OF ACTION FOR VIOLATION OF THE UNFAIR COMPETITION LAW**

20 31. The PEOPLE incorporate by reference all of the preceding paragraphs of the
21 Complaint.

22 32. The PEOPLE bring this cause of action in the public interest pursuant to Business and
23 Professions Code sections 17200 *et seq.* (UNFAIR COMPETITION LAW or UCL).

24 33. DEFENDANT is in the business of illegally selling controlled substances within the
25 Tenderloin Drug Abatement Area in the City and County of San Francisco. The violations of law
26 described herein have been and are being carried out wholly or in part within the City and County of
27 San Francisco.

1 34. The actions of DEFENDANT are in violation of the laws and public policies of the City
2 and County of San Francisco and the State of California, and are inimical to the rights and interest of
3 the general public.

4 35. Through the conduct described above, DEFENDANT has engaged in unlawful and
5 unfair business practices prohibited by the UCL, including by violating the public nuisance laws and
6 by violating the Penal Code and the Health & Safety Code as alleged above.

7 36. DEFENDANT has engaged in, and will continue to engage in, unlawful and unfair
8 business practices in the Tenderloin Drug Abatement Area.

9 37. The PEOPLE have no adequate remedy at law, in that damages are insufficient to
10 protect the public from the present danger and harm caused by DEFENDANT's conduct. Unless
11 injunctive relief is granted to enjoin DEFENDANT, the public will suffer irreparable harm.

12 38. Unless enjoined, DEFENDANT will continue to engage in unlawful and unfair
13 business practices in the Tenderloin Drug Abatement Area.

14 39. DEFENDANT should be ordered to stay away from the Tenderloin Drug Abatement
15 Area at all times.

16 40. DEFENDANT is subject to civil penalties of up to \$2,500 per violation of the UCL,
17 and an additional civil penalty of up to \$2,500 per violation for each violation of the UCL affecting a
18 senior or disabled person.

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PRAYER FOR RELIEF

The PEOPLE pray for relief as follows:

Declaratory Relief

1. That DEFENDANT's conduct be declared a public nuisance;
2. That DEFENDANT's conduct be declared to violate the UCL;

Injunctive Relief

3. That DEFENDANT be enjoined to stay away from the proposed Tenderloin Drug Abatement Area and from any area of the City and County of San Francisco where DEFENDANT has engaged in the illegal sale of controlled substances;

4. That the public nuisance and illegal business practices be abated by ordering DEFENDANT to refrain from conduct contributing to said public nuisance and illegal business practices, including but not limited to enjoining and restraining DEFENDANT from engaging in the illegal sale of controlled substances, from the possession of controlled substances for sale, and from participating or supporting the illegal drug trade in any manner;

5. That the injunction provide for DEFENDANT's liability of up to \$6,000 for each violation of the injunction, where any continuing violation of the injunction will result in a penalty of up to \$6,000 per day;

6. That the same injunctive relief be granted against DEFENDANT on an interim basis, prior to entry of a final judgment;

Penalties

7. That DEFENDANT be ordered to pay a civil penalty of up to \$2,500 per violation of the UCL, pursuant to Business and Professions Code section 17206;

8. That Defendant be ordered to pay an additional civil penalty of up to \$2,500 for each violation of the UCL affecting a senior or disabled person, pursuant to Business and Professions Code section 17206.1;

Fees and Costs

9. That Plaintiff be awarded costs pursuant to Code of Civil Procedure section 1032;

1 **Other Relief**

2 10. That this Court grant such other relief as is just and proper.

3
4 Date: September 21, 2020

DENNIS J. HERRERA, City Attorney
PETER J. KEITH, Chief Attorney, Neighborhood and
Resident Safety Division
MEREDITH OSBORN, Chief Trial Deputy
MICHAEL S. WEISS
HOLLY D. COULEHAN
RENEE E. ROSENBLIT
Deputy City Attorneys

8
9 By: Holly D. Coulehan
HOLLY D. COULEHAN

10 Attorneys for Plaintiff
11 PEOPLE OF THE STATE OF CALIFORNIA

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, title, and address): Holly D. Coulehan Office of the City Attorney Fox Plaza, 1390 Market Street, 7th Floor, San Francisco, CA 94102 TELEPHONE NO.: (415) 554-3800 FAX NO.: (415) 437-4644 ATTORNEY FOR (Name): Plaintiff People of the State of California		SBN: 244682	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, 94102-4515 BRANCH NAME: Civic Center Courthouse			
CASE NAME: PEOPLE OF THE STATE OF CALIFORNIA v. PAMELA CARRERO			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: CGC-20-586736	
		JUDGE: DEPT:	

FOR COURT USE ONLY

FILED

San Francisco County Superior Court

SEP 24 2020

CLERK OF THE COURT

BY: *Shelene Johnson*
Deputy Clerk

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): **Two**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September **21**, 2020

Holly D. Coulehan
(TYPE OR PRINT NAME)

Holly D. Coulehan
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition